

## REMARKS

The above election along with the following remarks are being submitted as a full and complete response to the Official Action dated February 26, 2003 (U.S. Patent Office Paper No. 7), the period for response to which is set to expire on March 26, 2003.

### Election / Restriction Requirement

The Examiner is provisionally respectfully requested to review the substance of Claims 1 through 12 and 16 through 19 and to indicate the allowability of the claims.

Claims 1 through 12 and 16 through 19 that are drawn to a fabricating method of a semiconductor integrated circuit comprising forming a ruthenium electrode of a capacitor with high-k material on a semiconductor substrate by a chemical vapor deposition method in a sub-atmospheric pressure using an organoruthenium compound as a precursor, have been elected in this application, while remaining claims 13, 14, 15, and 20, are withdrawn from further prosecution without prejudice and with traverse. Applicants hereby reserve the right to file a divisional application on the non-elected claims.

Applicants traverse the Examiner's election requirement regarding the substance of the patentability distinct species found by the Examiner. Applicants respectfully submit that no distinct Species I and Species II can be separated in the present application. Independent claims 1 and 12, both recite the following common step:

“forming a ruthenium electrode of a capacitor with high-k material on a semiconductor substrate by a chemical vapor deposition method in a sub-atmospheric pressure using an organoruthenium compound as a precursor”.

Claim 1 further recites of what distinct steps the “forming” process consists of.

In addition to the above “forming” step, claim 12 recites:

“immediately thereafter performing annealing at not less than a formation temperature of the bottom electrode of ruthenium in an inert atmosphere or a reducing atmosphere thereby inhibiting deformation of crystal grains of the bottom electrode of ruthenium in the annealing step during or after capacitor insulator formation.”

In actuality, claim 1 recites steps directed to the early stages of the inventive process, while claim 12 recites steps in later stages of the process. However, all the steps and elements recited in all the claims apply to both species identified by the Examiner.

Consequently, Applicants respectfully submit that no distinct Species are identifiable in the present application. Therefore the Examiner is respectfully asked to withdraw the election requirement and claims 13, 14, 15, and 20 be reviewed along with the elected claims.

Substantive consideration of the elected claims and of the above submitted arguments is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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